

Serial No. 10/664,077
Docket No. H64-154708M/MNN

8

REMARKS

Claims 4, 5, 8, 9 and 11-19 are all the claims presently pending in the application.

Claims 4, 16, 18 and 19 have been amended to more particularly define the invention. Claim 10 has been canceled without prejudice or disclaimer.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 4, 5 and 8-18 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 4, 5 and 8-19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 4, 5 and 8-19 stand rejected under 35 U.S.C. § 101.

These rejections are respectfully traversed in the following discussion.

I. THE 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION

The Examiner has rejected claims 4, 5 and 8-18 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants submit, however, that the Examiner is clearly incorrect.

That is, regarding the term "continuous", Applicants submit that the Specification provides a clear and adequate written description of the claim limitation. Indeed, the Specification clearly recites that "if the toner of the present invention was applied to the

Serial No. 10/664,077
Docket No. H64-154708M/MNN

9

above laser beam printer to repeat the continuous printing by about 200 thousand times, the good picture quality could be obtained and the reduction in the developer life was not caused" (see Application at page 41, lines 8-12) (emphasis added). Additionally, the term "continuous printing" is further suggested by the description of "continuous paper feeding" in the Specification (see Application at page 3, line 9).

Thus, Applicants submit that the claim limitation "wherein by using the electrostatic charge image developing developer degradation of picture quality due to continuous printing is hard to occur" is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application as filed, had possession of the claimed invention.

Additionally, regarding claim 8, Applicants submit that the specification provides adequate written description of a high-speed printer having a printer speed of greater than 10 pages per minute. Indeed, the Specification clearly indicates that the claimed invention may be directed to a high-speed printer in excess of 10 pages per minute (e.g., see Application at page 12, lines 1-4).

Regarding the Examiner's rejection of claim 10, Applicants submit that claim 10 has been canceled, thus rendering the Examiner's objection moot.

Regarding the Examiner's rejection of claim 12, Applicants submit that the fixing unit recited in claim 12 is clearly described on page 35, lines 12-24 of the Application. Claim 12 recites a fixing unit including a heat roller coated with a fluoro-resin and a back-up roller coated with a silicon rubber layer.

The Examiner alleges that the "claims permit any thickness of fluoro-resin layer and silicone rubber layer. The specification is specific as to the thickness of these layers and does not disclose any other thicknesses for the fixing unit" (see Office Action at page 3). The Examiner, however, is clearly incorrect. The Specification clearly provides support for a heat

Serial No. 10/664,077

10

Docket No. H64-154708M/MNN

roller coated with a fluororesin and a back-up roller coated with a silicon rubber layer.

Applicants submits that they are not required to claim each dimension of a feature that is included in the Specification.

Additionally, each of these features is clearly depicted in Figure 2 of the Application. Applicants point out to the Examiner that features depicted in a drawing of the Application can be relied upon for providing a written description of a claim limitation. Therefore, even assuming, *arguendo*, that the Examiner's allegations regarding the passage in the Specification were correct, the claimed fixing unit is clearly described in Figure 2 of the Application. Therefore, the Examiner's allegation that the Specification "only discloses a more specific fixing unit" is clearly incorrect.

Furthermore, regarding claim 16, Applicants have amended the dependency of claim 16 from claim 4 to claim 9. In view of the amendment, the Examiner is respectfully requested to reconsider and withdraw this objection.

Regarding the Examiner's rejection of claim 18, Applicants have amended claim 18 to recite "of more than 200 thousand pages".

In view of the proposed amendments and traversal arguments, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

The Examiner has rejected claims 4, 5 and 8-19 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner, however, is clearly incorrect.

The Examiner alleges that the instant claims recite both an apparatus and a method of using the apparatus in the same claims. The Examiner, however, is clearly incorrect.

That is, the claims merely recite a characteristic of the claimed invention. That is, the claimed image forming apparatus, which includes an electrostatic charge imaging developing

Serial No. 10/664,077

11

Docket No. H64-154708M/MNN

developer, decreases the likelihood of degradation of picture quality during continuous printing.

Nowhere, however, does the claimed invention of claim 4 (nor claims 5-18 for that matter) affirmatively recite a method step as alleged by the Examiner. A method of use step must include an affirmative recitation of a method step, such as "using the electrostatic charge image developing developer". The claimed invention does not affirmatively recite a method of use step as alleged by the Examiner.

Additionally, the Examiner alleges that the claims are indefinite because it is unclear how the developer is "used" in the claims. Again, Applicants point out to the Examiner that the claimed invention does not recite a method step of "using" the developer. Therefore, Applicants are not required to specifically recite how the developer is being used.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

III. THE 35 U.S.C. § 101 REJECTION

The Examiner has rejected claims 4, 5 and 8-19 under 35 U.S.C. § 101 as being directed to two statutory classes of invention. The Examiner, however, is clearly incorrect.

That is, as indicated above, the claims merely recite a characteristic of the claimed invention. That is, the claimed image forming apparatus, which includes an electrostatic charge imaging developing developer, decreases the likelihood of degradation of picture quality during continuous printing.

Nowhere, however, does the claimed invention of claim 4 (nor claims 5-18 for that matter) affirmatively recite a method step as alleged by the Examiner. A method of use step must include an affirmative recitation of a method step, such as "using the electrostatic

Serial No. 10/664,077

12

Docket No. H64-154708M/MNN

charge image developing developer". The claimed invention does not affirmatively recite a method of use step as alleged by the Examiner.

Thus, the claimed invention merely recites a single statutory class (i.e., apparatus) of invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 4, 5, 8, 9 and 11-19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

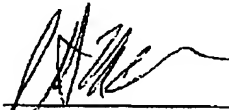
Serial No. 10/664,077
Docket No. H64-154708M/MNN

13

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: December 1, 2005



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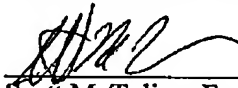
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1756, at (571) 273-8300, on December 1, 2005.

Respectfully Submitted,

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